

I. The Examiner objected to claim 59 as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Because claim 57 now is believed to be in condition for allowance, amendment of claim 57 is not needed.

II. Regarding the obviousness-type double patenting rejection, submitted concurrently herewith is the executed Terminal Disclaimer.

III. The Examiner maintained that the specification is not enabling for claim 69. Additionally, the Examiner contended that claim 69 is indefinite under 35 U.S.C. §112, second paragraph, because “it remains unclear what the metes and bounds for ‘substantially free’ entail, and because it remains ambiguous how mammalian cells can be free of MHC antigens when they intrinsically contain these antigens.”

The rejection is traversed for the following reasons.

As discussed in the record, manipulating a mammalian cell to render a cell MHC deficient was well known in the art at the time of filing the instant application. Moreover, MHC II antigens are not expressed on all cell types. As such, a claim directed to MHC deficient cells is enabled sufficiently by the instant specification. Similarly, the claim recites “substantially free” of MHC, and it was well known in the art what was meant by cells being “substantially free” of MHC complexes.

When a cell expresses little or no MHC, that cell is less likely to be recognized as foreign when put into a host.

Hence, withdrawal of the rejections is in order.

IV. The Examiner maintained that claims 57, 64, 67, 69 & 71 are anticipated by Gross et al. and Kuwana et al. under 35 U.S.C. §102(b).

The rejection is traversed for the following reasons.

As argued in the record, the α and β chains have a recognition function but do not signal.

Thus, the cited references do not anticipate the claimed invention. Accordingly, withdrawal of the rejection is in order.

V. In an exercise of caution, the Examiner is advised of WO 93/19163 that relates to chimeric receptors and that indicates a U.S. application may exist.

CONCLUSION

The application now is in condition for allowance and early indication thereof is requested respectfully.

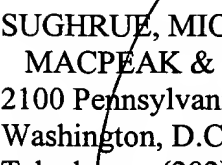
If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is requested kindly to contact the undersigned at the local exchange listed below.

Applicants hereby petition for any extension of time that may be required to maintain the pendency the instant application and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



Dean H. Nakamura
Registration No. 33,981


SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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